

GEORGE BASSIAS ATTORNEY LLC
ATTORNEYS FOR DEFENDANT
MICHAEL HEILBRON
21-83 STEINWAY STREET
ASTORIA, NY 11105
718-721-4441

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----X ADV. PROC. NO. 18-01055-ess

BENJAMIN PLAZA, JR.,
Chapter 7 Creditor

Plaintiff,

v.

MICHAEL HEILBRON,

Defendant.

-----X

AFFIDAVIT OF MICHAEL HEILBRON IN
OPPOSITION

STATE OF NEW YORK)
COUNTY OF QUEENS)

Michael Heilbron deposes and States the following under penalty of perjury:

1. I am the debtor in this case.
2. On or about June 29, 2008, over ten years ago, when I was 22 years old. I had a disagreement with my good friend Benjamin Plaza, Jr. in regards to my girlfriend.
3. Benjamin Plaza, Jr. and I were friends in high school and socialized together often. (Exhibit A- pictures of me with Benjamin). We met in aviation high

school in 2003. We rode motorcycles together often and took trips to Bear mountain, New York.

4. I was also friends with him on social media. He has eaten at my house and I at his, often.
5. I had discovered that Benjamin friended my girlfriend on social media and was flirting with her and trying to date her. I called him and confronted him on the phone and told him I need to talk to him about it.
6. I went to his house along with my friend Holger Adrian Carrera, and after calling Benjamin on the phone; he came out to talk to me. Holger Adrian Carrera stayed in the car.
7. I went to him to talk to him and find out what was going on. I had no intention for a fight.
8. I asked him what was going on with my girlfriend and him. He became very rude and loud and then we got into an altercation. I do not recall if he grabbed me first, or I grabbed him first. I remember I fell on top of a car. I do not recall hitting him. We may both have been throwing punches. Or he may just have hurt himself another way.
9. My friend Adrien and other people broke it up. It was very short. Benjamin did not fall to the ground and no one appeared to be hurt.

10. I found out a few days later that he claimed his jaw was broken and I was arrested for it. I do not recall ever hitting him in the jaw or anywhere else. It certainly was not my intention to break his jaw and if I did it was a spontaneous reaction while we were both wrestling.

11. I was 22 years old and was never in trouble before. I was very frightened and hired the first lawyer that approached me in court. He did not explain to me that I could fight the case and reduce the plea or even dismiss it. He told me that if I don't want to do time, to plead guilty to what the prosecutor was then offering with anger management classes and then I would be fine.

12. I had no prior criminal record and no subsequent one either. It was my life's goal to become a police officer, one that was taken away from me because of this one mistake. I pled guilty to assault in the third degree because that is what my lawyer pressured me to plea to. I was young and afraid that I could go to prison.

13. I reviewed the deposition of Benjamin Plaza and he is not being truthful throughout the deposition (Exhibit B-Deposition).

14. He states that he didn't really know me and met me shortly before or after this incident. (Deposition page 8, line 7-9; line 13-15). In fact we were good friends and hung out often.
15. He states we were never friends on social media, however, we were and that's how I found out he was flirting with my girlfriend (Deposition page 10, lines 19-22).
16. He states he may have talked to me on a cell phone, however, we were friends, hung out and spoke often (Deposition page 11, line 3-8).
17. He states that I was with an unknown other individual who hit him first, however, no inquiry was ever done by the police as to this other person, nor was it ever brought up before (Deposition page 12, line 2-14).
18. I believe he stated this because he knows that my friend Adrien was a witness.
19. While he testified that he didn't really know me in the beginning of his deposition, he then states that my girlfriend Melissa, "is a mutual friend we went to high school with." (Deposition page 14, line 6-15).
20. I hired a law firm to try to set the civil lawsuit aside. I was never served. The summons and complaint were delivered to my job but an area that is responsible for shipping and receiving, loading dock, not legal documents;

at a big hotel, The Carlisle. The first time I found out about the civil lawsuit was when my paycheck was attached. The lawyers were unsuccessful in setting aside the judgment and rather than reargue or appeal they suggested that I hire George Bassias to file bankruptcy.

21. Wherefore I ask the Court to deny the summary judgment motion and whatever else the court deems proper.

Dated: 12/27/18



Michael Heilbron

Sworn to

12/27/18



Notary

GEORGE BASSIAS
Notary Public, State of New York
No 02BA5015445
Qualified in Nassau County
Commission Expires July 19, 19

2021